

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth M. Adams et al.	Examiner:	Mary C. Hoffman
Serial No.:	10/657,915	Group Art Unit:	3733
Filed:	September 9, 2003	Docket No.:	M190.145.101
Due Date:	February 5, 2010 (w/one mo. extension)		
Title:	SURGICAL MICRO-BURRING INSTRUMENT AND METHOD OF PERFORMING SINUS SURGERY		

NOTICE OF APPEAL / REINSTATEMENT OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant hereby appeals to the Board of Appeals and Interferences from the decision of the Examiner dated October 5, 2009, rejecting claims 1-13, 15-24 and 31-36. This Notice of Appeal is a reinstatement of the Appeal previously filed June 20, 2008. In reply to the prior appeal, prosecution was reopened by the Examiner.

As Applicant elected to continue prosecution after prosecution was reopened by the Examiner and a decision on the merits by the Board of Patent Appeals and Interferences has not been made on the prior appeal, **Applicant requests that any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) be applied to this later appeal on the same application.** As the appeal fees have increased since they were previously paid, please charge to Deposit Account **50-0471** in the sum of **\$30.00** to pay the difference between the current fee(s) and the amount previously paid. See MPEP §§ 1204.01 and 1207.04.

As Applicant has elected to initiate a new appeal by the filing of this new Notice of Appeal in compliance with 37 CFR 41.31, Applicant will file a complete new Appeal Brief in compliance with 37 CFR 41.37 within two months from the filing of this new Notice of Appeal.

Applicant further hereby requests a one-month extension of time for filing this Notice of Appeal and authorizes a charge in the sum of \$130.00 to cover the extension fee.

At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-0471** pursuant to 37 CFR 1.25.

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Additionally, please charge any fees to Deposit Account **50-0471** under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

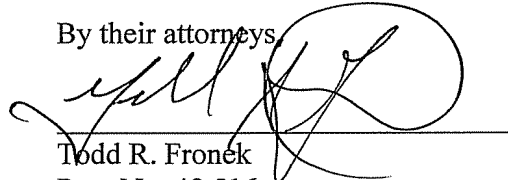
Any inquiry regarding this Amendment and Response should be directed to Todd R. Fronek at Telephone No. (612) 767-2522, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Kenneth M. Adams et al.,

By their attorneys,



Todd R. Fronek
Reg. No. 48,516

Date: 2/5/10
TRF:skh